IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35200 of 2007(M)

PETITIONER:

MURUGAN, AGED 38 YEARS,
S/O. GOPALAKRISHNA PILLAI, RESIDING AT TC.25/1548,
WEST THAMPANOOR,THYCAUD VILLAGE,THIRUVANANTHAPURAM

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:
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1. RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL, ERNAKULAM.

2. SIVANANDAN, AGED 59 YEARS,
S/O. MANIKKAM PILLAI,T.C.38/419,MANIKKAM BUILDINGS
CHOORAKATTU PALAYAM, CHENTHITTA, THYCAUD VILLAGE,
THIRUVANANTHAPURAM.

3. SEKHAR, AGED 34 YEARS,
S/O. PADMANABHA PILLAI, SPL BHAVAN, NEAR SIVAN
TEMPLE, PUTHEN COTTAI, MANACAUD, -DO- VILLAGE,
THIRUVANANTHAPURAM.

4. SATHEESH KUMAR, AGED 36 YEARS,
S/O. PADMANABHA PILLAI, T.C.20/50(24), 'SARADA',
PREM NAGAR, CIT ROAD, KARAMANA,THIRUVANANTHAPURAM.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO.35200 OF 2007 M

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Dated this the 28th day of November, 2007

J U D G M E N T

Petitioner is a tenant. On the strength of an order obtained from the Debts Recovery Tribunal against the landlord, petitioner is sought to be evicted from the tenanted premises. The contention raised is that being a tenant, petitioner is entitled for the protection under the provisions of the Rent Control Act and that he can be evicted only in terms thereof. This contention of the petitioner is no longer available in view of the judgment of a Division Bench of this court reported in **Business India Builders and Developers Ltd. v. Union Bank of India (2007(2) KLT 237)**.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE

Rp